

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

HEATHER LEE MEHUDAR,

Plaintiff,

vs.

DAVID NYDAM II, *et al.*,

Defendants.

Case No. 2:16-cv-02196-MMD-GWF

**ORDER**

This matter is before the Court on Defendants Rachael Harris, David Nydam II, Doreen Pine, and Tiffany Pugh's Second Motion to Continue Deadline to File Discovery Plan and Scheduling Order (ECF No. 37), filed on December 7, 2016. To date, Plaintiff has not filed an opposition to this motion and the time for response has now expired.

On September 16, 2016, Plaintiff filed her complaint (ECF No. 1) alleging claims of discrimination and harassment under the United Nations Universal Declaration of Human Rights. On October 14, 2016, Defendants filed their Motion to Dismiss (ECF No. 11) alleging that Plaintiff failed to state a claim upon which relief can be granted. Defendants request that the Court continue the date to file a Discovery Plan and Scheduling Order pending a ruling on Defendants' Motion to Dismiss.

Courts have broad discretionary power to control discovery. *See Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.1988). After conducting a preliminary peek of Defendants' Motion to Dismiss, the Court finds that a continuation of the deadline to file a discovery plan and scheduling order is warranted. First, the pending motion to dismiss, if granted, may resolve all of the issues raised in Plaintiff's Complaint. Second, the Court finds that Defendants' Motion to Dismiss can be

1 decided without additional discovery. Finally, the Court is convinced that a continuation of the  
2 deadline to file a discovery plan and scheduling order is warranted based upon the merits of  
3 Defendant's Motion to Dismiss.

4 In addition, Local Rule 7-2(d) provides that "The failure of an opposing party to file points  
5 and authorities in response to any motion shall constitute a consent to the granting of the motion."  
6 Plaintiff did not file points and authorities in response to Defendants' instant motion to continue the  
7 deadline. Therefore, Plaintiff is considered to have consented to the granting of Defendants' motion  
8 under LR 7-2(d). Accordingly,

9 **IT IS HEREBY ORDERED** Defendants' Second Motion to Continue Deadline to File  
10 Discovery Plan and Scheduling Order (ECF No. 37) is **granted**.

11 **IT IS FURTHER ORDERED** that the parties shall have fourteen (14) days from the entry  
12 of an order denying Defendants' Motion to Dismiss to file a proposed discovery plan and scheduling  
13 order.

14 DATED this 5th day of January, 2017.

15  
16   
17 GEORGE FOLEY, JR.  
18 United States Magistrate Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28